REMARKS

This amendment is responsive to the Office Action dated April 25, 2002. Applicants have cancelled claims 32-55, amended claims 1-7, 11-12, 14-15, and 27, and added new claims 56-74. Claims 1-31, and 56-74 are now pending. A version of the amended claims showing changes pursuant to 37 CFR § 1.121(c)(ii) is attached. In the attached version of the amended claims, Applicants have used underlines to indicate inserted matter and strikeouts to indicate deleted matter.

Claim Rejection Under 35 U.S.C. § 102 and 35 U.S.C. § 103

In the Office Action, the Examiner rejected claim(s) 1-7, 9-11, 15-39, 41-55 under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent 5,895,450, to Marshall A. Sloo (herein "Sloo"). In addition, the Examiner rejected claim(s) 8, 12, 13, 14 and 40 under 35 U.S.C. 103(a) as being unpatentable over Sloo in view of U.S. Patent 6,330,551 to Burchetta et al. (herein "Burchetta").

Applicants respectfully traverse these rejections to the extent that they would be considered applicable to the claims as amended. The cited references fail to disclose all of the features of the claimed invention, and provide no teaching that would have suggested the desirability of modification to include such features.

As one example, Applicants' independent claim 1 as amended recites "applying a case-based reasoning system to the case information to produce a result for use in selection of a mode of resolving the dispute." Claim 2, which is dependent on claim 1, recites "automatically selecting one of two modes of resolving the dispute." Similarly, Applicants' independent claim 56 recites "comparing the case information to facts of previously resolved disputes to produce a result for use in selection of a mode of resolving the dispute." Independent claim 64 is directed to a system that includes a server that "compares the case information to the facts of previously resolved disputes stored by the database to produce a result for use in selection of a mode of resolving the dispute."

The references cited by the Examiner fail to teach or suggest these and other claimed elements. For example, in contrast to the requirements of Applicants' claims, Sloo discloses "comparing the characteristics from the current record to characteristics from data records from

previously resolved complaints <u>to arrive at an appropriate judgment</u>." See column 10, lines 13-18. Sloo discloses several options for resolving a dispute, including "'Negotiate the Complaint' to allow the user and subject to enter into private negotiations," and "'Request and Judge/Jury' to allow either the user or the subject to request intervention by a third party to resolve the dispute." See column 7, lines 33-37. However, Sloo discloses the function of comparing the characteristics from the current record to characteristics from data records from previously resolved complaints <u>only</u> in conjunction with a third option – the "'Automatic Negotiator' [which] allow[s] the system to determine a resolution to the dispute." See column 7, lines 37-39. Sloo discloses that the user selects one of the options for resolving the dispute. See column 7, lines 30-39.

In other words, Sloo does not disclose or even suggest "applying a case-based reasoning system to the case information <u>to produce a result for use in selection of a mode of resolving the dispute</u>," as required by Applicants' independent claim 1, "comparing the case information to facts of previously resolved disputes <u>to produce a result for use in selection of a mode of resolving the dispute</u>," as required by Applicants' independent claim 56, or a server that "compares the case information to the facts of previously resolved disputes stored by the database to produce a result for use in selection of a mode of resolving the dispute," as required by Applicants' independent claim 64. Moreover, Sloo clearly does not disclose "<u>automatically</u> selecting one of two modes of resolving the dispute" as required by Applicants' dependent claim 2. As such, Applicants respectfully submits that Sloo and Burchetta fail to teach every aspect of independent claims 1, 56 and 64, and dependent claim 2. Consequently, the Examiner has failed to establish a prima facia case for non-patentability of Applicant's claims.

CONCLUSION

All claims in this application are in condition for allowance. Applicants respectfully request reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date: By:

July 3, 2002   _(signature)_

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VERSION SHOWING CHANGES PURSUANT TO 37 CFR § 1.121(c)(ii)

1.   (Once Amended) A method for resolving an electronic commerce dispute involving one or more parties, comprising:

~~selecting one of two modes of resolving the dispute, the first mode being completely driven by an electronic agent and the second mode involving a human dispute resolution specialist~~ receiving from at least one party case information that describes the dispute;

applying a case-based reasoning system to the case information to produce a result for use in selection of a mode of resolving the dispute; and

presenting ~~the resolution of the dispute~~ the result of the application of the case-based reasoning system to the case information to the one or more parties.

2.   (Once Amended) The method of claim 1, ~~wherein the selection of the mode further comprises applying a case-based reasoning system to assist the determination of the modes~~ further comprising automatically selecting one of two modes of resolving the dispute based on the result from the case-based reasoning system, the first mode being completely driven by an electronic agent and the second mode involving a human dispute resolution specialist.

3.   (Once Amended) The method of claim ~~2~~ 1, wherein the case-based reasoning system contains a history file.

4.   (Once Amended) The method of claim 3, wherein the history file contains patterns and precedents, further comprising applying the patterns and precedents to generate an outcome prediction ~~to assist the determination of the mode~~.

5.   (Once Amended) The method of claim ~~1~~ 4, further comprising presenting the outcome prediction to the parties.

6.   (Once Amended) The method of claim ~~5~~ 4, wherein the outcome prediction includes one or more likely outcomes and associated probabilities of occurrence.

7.   (Once Amended) The method of claim 5̶ 1, further comprising receiving settlement position from the parties.

8.   The method of claim 7, further comprising automatically settling the dispute if the settlement positions satisfy a predetermined criteria.

9.   The method of claim 8, wherein the predetermined criteria relates to a monetary settlement position.

10.   The method of claim 8, wherein the predetermined criteria relates to a non-monetary settlement position.

11.   (Once Amended) The method of claim 1̶ 2, wherein the dispute resolution specialist resolves the dispute by transitioning from a mediation stage to an arbitration stage.

12.   (Once Amended) The method of claim 1̶1̶ 2, wherein the dispute resolution specialist generates a final recommended resolution.

13.   The method of claim 12, wherein the final recommended resolution is accepted by the one or more parties.

14.   (Once Amended) The method of claim 1̶3̶ 12, further comprising creating a contract between the one or more parties stating the willingness to abide by the recommended resolution.

15.   (Once Amended) The method of claim 1̶1̶ 2, further comprising communicating among the parties using a plurality of communication modes.

16.   The method of claim 15, wherein the communication modes include a private mode and a public mode.

17.   The method of claim 15, wherein the communication mode is selected by the dispute resolution specialist.

18.   The method of claim 15, further comprising keeping communications between the specialist and the parties private.

19.   The method of claim 15, further comprising keeping communications between the specialist and the parties public.

20.   The method of claim 1, further comprising providing visual cues to highlight agreements between the parties.

21.   The method of claim 20, further comprising visually highlighting areas of agreement and disagreement.

22.   The method of claim 1, further comprising providing a meta-rating forum on the performance of a particular party.

23.   The method of claim 22, further comprising accessing data stored on the forum regarding performances of sellers and buyers.

24.   The method of claim 23, wherein the data relates to participation in the dispute resolution process.

25.   The method of claim 23, wherein the data relates to compliance of a participant to the final decision made in the resolution of the dispute.

26.   The method of claim 23, further comprising highlighting an offender in the dispute resolution system.

27.   (Once Amended) The method of claim ~~1~~ 2, further comprising providing a market-based system for assigning a specialist to a particular dispute.

28.   The method of claim 1, wherein the dispute resolution is provided as an insurance covering transactions.

29.   The method of claim 28, further comprising requiring a seller in a transaction to be a registered subscriber before a transaction is insured.

30.   The method of claim 29, further comprising showing a visual indicia to indicate membership in the dispute resolution process.

31.   The method of claim 30, wherein the visual indicia is a medallion.

32.   ~~(Cancelled) The method of claim 1, further comprising emulating a court for on-line transaction parties.~~

33.   ~~(Cancelled) A system to resolve an electronic commerce dispute involving one or more parties, comprising:~~

~~means for selecting one of two modes of resolving the dispute, the first mode being completely driven by an electronic agent and the second mode involving a dispute resolution specialist; and~~

~~means for presenting the resolution of the dispute to the one or more parties.~~

34.   ~~(Cancelled) The system of claim 33, wherein the selecting means further comprises means for applying a case-based reasoning system to assist the determination of the modes.~~

35.   ~~(Cancelled) The system of claim 34, wherein the case-based reasoning system contains a history file.~~

36.   ~~(Cancelled) The system of claim 35, wherein the history file contains patterns and precedents, further comprising means for applying the patterns and precedents to generate an outcome prediction to assist the determination of the mode.~~

37.   ~~(Cancelled) The system of claim 33, further comprising means for presenting the outcome prediction to the parties.~~

38.   ~~(Cancelled) The system of claim 37, wherein the outcome prediction includes one or more likely outcomes and associated probabilities of occurrence.~~

39.   (Cancelled) The system of claim 37, further comprising means for receiving settlement positions from the parties.

40.   (Cancelled) The system of claim 37, further comprising means for automatically settling the dispute if the settlement positions satisfy a predetermined criteria.

41.   (Cancelled) A system, comprising:

a network;

an electronic marketplace coupled to the network;

one or more sellers selling one or more items at the marketplace;

one or more buyers consuming one or more items at the marketplace; and

a dispute resolution system coupled to the network to resolve a dispute between one or more buyer and seller parties, the dispute resolution system adapted to select one of two modes of resolving the dispute, the first mode being completely driven by an electronic agent and the second mode involving a dispute resolution specialist.

42.   (Cancelled) The system of claim 41, wherein the network comprises a wide area network.

43.   (Cancelled) The system of claim 41, wherein the network comprises the Internet.

44.   (Cancelled) The system of claim 41, wherein the items comprise products.

45.   (Cancelled) The system of claim 41, wherein the items comprise services.

46.   (Cancelled) The system of claim 41, wherein the dispute resolution system comprises a server.

47.   (Cancelled) The system of claim 41, wherein the dispute resolution system provides data relating to participation in the dispute resolution process.

48. (Cancelled) ~~The system of claim 47, wherein the data relates to compliance of a participant to a decision made in the resolution of the dispute.~~

49. (Cancelled) ~~The system of claim 41, wherein the dispute resolution system highlights an offender of the decision.~~

50. (Cancelled) ~~The system of claim 41, wherein the dispute resolution system provides a market-based system for assigning a specialist to a particular dispute.~~

51. (Cancelled) ~~The system of claim 41, wherein the dispute resolution system insures transactions.~~

52. (Cancelled) ~~The system of claim 51, wherein the dispute resolution system requires a seller in a transaction to be a registered subscriber before a transaction is insured.~~

53. (Cancelled) ~~The system of claim 41, wherein the dispute resolution system provides a visual indicia to indicate membership in the dispute resolution process.~~

54. (Cancelled) ~~The system of claim 54, wherein the visual indicia is a medallion.~~

55. (Cancelled) ~~The system of claim 41, wherein the dispute resolution system emulates a court for on-line transaction parties.~~

56. (New) A method comprising:

receiving case information that describes an electronic commerce dispute from one or more parties to the dispute;

comparing the case information to facts of previously resolved disputes to produce a result for use in selection of a mode of resolving the dispute; and

presenting the result of the comparison to the parties.

57. (New) The method of claim 56, wherein comparing the case information to facts of previously resolved disputes comprises:

maintaining a database that stores facts and outcomes of previously resolved disputes;

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searching the database to identify previously resolved disputes with facts that are similar to the case information.

58.   (New) The method of claim 57, wherein presenting the result comprises presenting the outcomes of identified previously resolved disputes.

59.   (New) The method of claim 58, wherein presenting the outcomes comprises summarizing the outcomes of the identified previously resolved disputes.

60.   (New) The method of claim 57, wherein presenting the result comprises:

generating an outcome prediction as a function of the facts and outcomes of the identified disputes; and

presenting the outcome prediction to the parties.

61.   (New) The method of claim 60, wherein the outcome prediction includes at least one likely outcome.

62.   (New) The method of claim 61, wherein the outcome prediction includes associated probabilities of occurrence of the at least one likely outcome.

63.   (New) The method of claim 61, further comprising presenting the at least one likely outcome to the parties as a potential resolution of the dispute.

64.   (New) A system comprising:

a database to store facts and outcomes of previously resolved disputes; and

a server to receive case information that describes an electronic commerce dispute from one or more parties to the dispute via a network, wherein the server compares the case information to the facts of previously resolved disputes stored by the database to produce a result for use in selection of a mode of resolving the dispute, and presents a result of the comparison to the parties via the network.

65.   (New) The system of claim 64, wherein the server searches the database to identify previously resolved disputes with facts that are similar to the case information.

66.   (New) The system of claim 65, wherein the server presents the result of the comparison by presenting the outcomes of identified previously resolved disputes.

67.   (New) The system of claim 66, wherein the server summarizes the outcome of identified previously resolved disputes.

68.   (New) The system of claim 65, wherein the server presents the result of the comparison by generating an outcome prediction as a function of the facts and outcomes of the identified disputes, and presenting the outcome prediction to the parties.

69.   (New) The system of claim 68, wherein the outcome prediction includes at least one likely outcome.

70.   (New) The system of claim 69, wherein the outcome prediction includes associated probabilities of occurrence of the at least one likely outcome.

71.   (New) The system of claim 69, wherein the server presents the at least one likely outcome to the parties as a potential resolution of the dispute.

72.   (New) The method of claim 15, further comprising:

determining a current mode of resolving the dispute; and

automatically selecting a communication mode based on the determination.

73.   (New) The method of claim 23, further comprising providing the data to the parties to assist the resolution of the dispute.

74.   (New) The method of claim 23, further comprising providing the data to an electronic marketplace.